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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,317

09/25/2006

Jeffrey Hart

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PHILIPS MEDICAL SYSTEMS
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3003
22100 BOTHELL EVERETT HIGHWAY
BOTHELL, WA 98041-3003

EXAMINER

KWOK, HELEN C

ART UNIT

PAPER NUMBER

2856

MAIL DATE

DELIVERY MODE

07/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,317	Applicant(s) HART ET AL.	
	Examiner Helen C. Kwok	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/25/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The abstract of the disclosure is objected to because it should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities. Appropriate correction is required.

The specification lacks the appropriate heading for a disclosure. See, MPEP 608.01(a).

Claim Objections

4. Claims 10 and 14 are objected to because of the following informalities. Appropriate correction is required.

In claim 10, lines 3-4, the phrase "the elevation direction" should be changed to --an elevation direction --.

In claim 14, line 9, the phrase "the uppermost location" should be changed to -- an uppermost location --. In line 17, the phrase "promote s" should be changed to -- promotes --.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 12, the phrase "the second passage" is indefinite. How can there be a "second passage" when there is no "first" passage claimed beforehand. Please clarify.

In claim 14, line 11, the phrase "the second passage" is indefinite. How can there be a "second passage" when there is no "first" passage claimed beforehand. Please clarify.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,807,634 (Enjoji et al.).

Enjoji et al. Discloses an ultrasonic scanner comprising, as illustrated in Figures 1-9, an ultrasound probe having a moving transducer 28,30; a fluid-filled chamber 50 having a main compartment in which the transducer is movably mounted; a secondary compartment 52 of the fluid-filled chamber; a fluid-filled passageway 56 connecting the main and secondary compartments at a point of the main compartment where bubbles are designed to flow; a drive mechanism 44 extending into the fluid-filled chamber supplying a motive force for the transducer wherein the drive mechanism passing through a second passageway 22,54 connecting the main and secondary compartments and terminating in the main compartment of the fluid-filled chamber. (See, column 3, line 6 to column 9, line 30).

With regards to claims 2-13, Enjoji et al. further discloses the drive mechanism is a drive shaft; a motor 26 located outside the fluid filled chamber coupled to the drive shaft for oscillating or rotating the drive shaft; seals 48,184,192 permitting drive shaft motion; the fluid-filled passageway includes a bubble trap tube 56 that divides the main and secondary compartments; an array of transducers 102 to be swept over a volumetric region of the object (i.e. patient) such that the transducer is mounted on a pivoting mechanism 34,36; gear mechanism 86; the fluid-filled chamber is enclosed by

an acoustic window 16 through which ultrasound beams are transmitted such that a fluid-filled space is formed between the transducer and the acoustic window.

With regards to claims 14-20, the claims are commensurate in scope with claims 1-13 and are rejected for the same reasons as set forth above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The reference cited is related to ultrasound probe having fluid-filled chamber.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen C. Kwok whose telephone number is (571) 272-2197. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Helen C. Kwok/
Primary Examiner, Art Unit 2856
July 3, 2008